



Missouri
Department of
Natural Resources

RECREATIONAL USE ATTAINABILITY ANALYSES
PUBLIC COMMENTS

Public Comment Period
May 21, 2008 – August 31, 2008

Three Hills Creek
WBID #2130

Class C
St. Francois County

Missouri Department of Natural Resources
Water Protection Program
PO Box 176
Jefferson City, MO 65102-0176
800-361-4827 / 573-751-1300



John
Hoke/WPCP/DEQ/MODNR

08/25/2008 11:42 AM

To "THOMAS BALL" <thomas.ball@sbcglobal.net>

angnick13@yahoo.com, "Dan Sherburne"

cc <dsherburne@moenviron.org>, Anne
Peery/WPCP/DEQ/MODNR@MODNR

bcc

Subject Re: Three Hill Creek UAA public comment 

Mr. Ball,

Thank you again for your interest and participation in the Recreational UAA process . We have located Mr. Nickelson's comments from 2005 and are in the process of verifying the information. Anne Peery of my staff will be contacting Mr. Nickelson in the near future to verify the information provided for Three Hill Creek and Mill Creek. Any information on existing swimming or other uses will be used to revise staff recommendations, where appropriate, and ensure these recreational uses are protected in state rule.

We appreciate Stream Team's participation in preserving and protecting the quality of Missouri 's waters. If you have questions or if I can be of additional assistance , please let me know. Thanks

John Hoke
Environmental Specialist IV, TMDL Unit Chief
Water Quality Monitoring & Assessment Section
Missouri Department of Natural Resources
Phone: (573) 526-1446 Fax: (573) 522-9920
"THOMAS BALL" <thomas.ball@sbcglobal.net>



"THOMAS BALL "
<thomas.ball@sbcglobal.net
>

08/22/2008 10:23 PM

To angnick13@yahoo.com, john.hoke@dnr.mo.gov

cc "Dan Sherburne" <dsherburne@moenviron.org>

Subject Three Hill Creek UAA public comment

To Angie and William Nickelson;

I have forwarded below emails between myself and John Hoke of the Missouri Dept of Natural Resources. I am quite pleased that from Angie's description of the farm you lease off of Old Cadet Rd, you are indeed the same William Nickelson who reported fishing and swimming recreational use on Three Hill Creek during the public comment period for the Use Attainability Analysis back in 2005. I had tried to contact two other persons named William Nickelson in Cadet, MO and was distressed to learn they were deceased.

I do not know what follow up MDNR might have done in 2005, if any; but what hinges on your reporting of swimming in Three Hill Creek is this:

Two additional Use Attainability Analysis (UAA) studies have since been conducted on various sections of Three Hill Creek, a committee has reviewed them, and is recommending that swimming should be removed as an attainable use for Three Hill Creek. You can read the text of the two studies here:

http://www.dnr.mo.gov/env/wpp/wqstandards/uaa/uaa_stfrancois.htm

and the recommendation to remove swimming as a use here:

<http://www.dnr.mo.gov/env/wpp/wqstandards/uaa/2130-datasheet-e-07.pdf>

This recommendation disturbed me somewhat, in light of your claim that people in the past actually did fish and swim on Three Hill Creek.

It is important that we try again. According to the Clean Water Act of 1975, if anyone has used Three Hill Creek for swimming since 1975 then the Whole Body Contact Recreation water quality standard should remain in place and that recreational use should be protected in the future. Therefore, it is very important that we try to make clear to MDNR exactly where and when swimming took place on your farm.

I am cc'ing John Hoke with this email, in part because time grows short. The deadline for public comments is August 31st, and though I believe the staff at MDNR are persons of good will, I also know that they are understaffed and overworked.

If you need help establishing the latitude and longitude for fishing and swimming holes on your farm may I suggest that you could do an address lookup at:

<http://itouchmap.com/latlong.html>

and then zoom in and out and move the little pin around to find the exact latitude and longitude according to the aerial photograph.

I am including the contact information which I was able to obtain from the internet so that the MDNR staff can contact you directly. If it is wrong in anyway, please straighten them out on how and when it would be best to contact you. From my own experience, it seems it would be best if they tried contacting you at home in the evening, but you may have other available means for them to reach you during the daytime.

William Nickelson
4681 Groom Road
Farmington, MO
(573) 701-0182

If you desire to try to report your swimming and fishing use of Three Hill Creek again, MDNR has a survey reporting form at:

<http://www.surveys.dnr.mo.gov/wpp-stream-usage.htm>

Thank you for your help and attention in this matter. Like you, we at the Missouri Stream Team Program are doing our best to improve the water quality of Missouri's Rivers and Streams. It is my very great hope that your children and grandchildren would be able to swim in Three Hill Creek far into the future.

Tom Ball
Missouri Stream Team 3550, Leadwood MO

John Hoke <john.hoke@dnr.mo.gov> wrote:
To: thomas.ball@sbcglobal.net
Subject: Re: Fw: Three Hill Creek UAA public comment
From: "John Hoke" <john.hoke@dnr.mo.gov>
Date: Thu, 21 Aug 2008 10:23:10 -0500

Mr. Ball,

Thank you for your comment on the Recreational UAA for Three Hill Creek in St. Francois County. This water body was resurveyed at the request of the Missouri Clean Water Commission following comments from the EPA that new or revised water quality standards were necessary. Staff review the stream survey data and follow-up on any comments that are received that indicate existing recreational uses. I appreciate you bring Mr. Nickelson's comment to our attention and will request that staff proceed with verifying the location and frequency of swimming use on Three Hill Creek.

Please let me know if you have additional questions or would like additional information. Thank you again for your interest and involvement in this process.

John Hoke
Environmental Specialist IV, TMDL Unit Chief
Water Quality Monitoring & Assessment Section
Missouri Department of Natural Resources
Phone: (573) 526-1446 Fax: (573) 522-9920

Sarah Garoutte /WPCP/DEQ/MODNR

08/21/2008 07:33 AM

To John Hoke/WPCP/DEQ/MODNR@MODNR
cc
Subject Fw: Three Hill Creek UAA public comment

Sarah Garoutte
Public Information Specialist
Water Protection Program

Missouri Department of Natural Resources
(573) 522-9913
sarah.garoutte@dnr.mo.gov

----- Forwarded by Sarah Garoutte/WPCP/DEQ/MODNR on 08/21/2008 07:33 AM -----

"THOMAS BALL " <thomas.ball@sbcglobal.net>

08/19/2008 09:58 PM

To cleanwater@dnr.mo.gov

cc

Subject Three Hill Creek UAA public comment

Dear Mr. Hoke,

This email is to document what I told you about at the public meeting in St. Louis regarding a previous claim for swimming in Three Hill Creek from the public comments to the 2005 UAA.

The document is:

http://www.dnr.mo.gov/env/wpp/wqstandards/uaa/2005_uaa-comments-summary.pdf

page 29 at bottom says:

e-mail William Nickelson Washington Three Hill Creek 2130

Used for swimming fishing and hunting all of
his life; now owns 800 acres on Three Hill Ck;
his small children also swim and fish in creek.

Y

I guess my confusion is that if a member of the public has claimed WBCR activities on the waterbody, why then does it return to the list year after year? Is there some confirming substantiation process MDNR engages for the claim? or is the claim accepted prima facie?

Thank you,
Thomas Ball

Phone Log
2007 UAA Public Comments

Date: _____ August 27, 2008 _____

Time: _____ 3:30 p.m. _____

Caller: _____ Anne Peery _____

Contacted: _____ William Nickelson _____

Phone number: _____ (573) 701-0182 _____

Water Body Name: _____ Three Hill Creek _____

WBID: _____ 2130 _____ **UAA:** _____ 0417 _____

County: _____ St. Francois _____

Reason for contact:

It was brought to our attention by Tom Ball, a former AmeriCorps volunteer, that we had overlooked comments made in 2005 by Mr. Nickelson.

Comments:

As noted in 2005, Mr. Nickelson owns a 800 acre farm along Three Hill Creek that runs from the Big River to Rt 47, pretty much. He and his children have swum, waded and otherwise played in the creek for years. They now live in Farmington, but still return to the creek to cool off and enjoy summer. He also reported fishing and hunting.